

Agenda

REVISED



Tempe City Council

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Harry E. Mitchell Government Center

Municipal Building

Council Chambers

31 East Fifth Street

7:30 P.M.

The City of Tempe endeavors to make all public meetings accessible to persons with disabilities. With 48 hours advance notice, special assistance can also be provided for sight and/or hearing impaired persons at public meetings. Please call (480) 350-8241 (voice) or (480) 350-8400 (TDD) to request an accommodation to participate in the City Council meeting.

April 1, 2004

1. INVOCATION – Councilmember Mitchell
2. PLEDGE OF ALLEGIANCE
3. MINUTES – Councilmember Goronkin
 - A. Approval of Council Meeting Minutes
 - B. Acceptance of Board & Commission Meeting Minutes
 1. Community Special Events Task Force – March 16, 2004 [20040401setf01.pdf](#)
 2. Design Review Board – February 4 & 18 and March 3, 2004 [20040401drb01.pdf](#)
[20040401drb02.pdf](#) [20040401drb03.pdf](#)
 3. Double Butte Cemetery Advisory Committee – November 19, 2003
[20040401csmr01.pdf](#)
 4. Industrial Development Authority of Tempe – September 4 & December 16, 2003
[20040401ida01.pdf](#) [20040401ida02.pdf](#)
4. REPORTS AND ANNOUNCEMENTS
 - A. Mayor's Announcements
 - Board and Commission Reappointments [20040401boards.pdf](#)
 - **DELETED**
 - Diversity Dialogues Participant Recognition
 - 2004 NLC Diversity Award
 - Sister City Teacher Recognition
 - B. Manager's Announcements
5. CONSENT AGENDA

All items listed on the consent agenda will be considered as a group by the City Council and will be enacted with one motion. There will be no discussion of these items unless a Councilmember removes

an item for consideration or a Citizen requests a public hearing item be removed. Public hearing items are designated by an asterisk (*). Items scheduled for a first hearing will be heard but not adopted at this meeting.

'q-j' indicates items that are quasi-judicial. The City Council sits as a quasi-judicial body when hearing variances. When sitting as a quasi-judicial body, the City Council must conduct itself as a court, not as a legislative body. This means that any materials or conversations concerning the variance can only be presented to the City Council at the scheduled public hearing. Pre-meeting contact with the City Council on quasi-judicial matters is prohibited.

A. Miscellaneous

5. Request to set Executive Session for the City Council meeting of April 15, 2004, if needed, in the Harry E. Mitchell Government Center, Municipal Building, 3rd Floor Conference Room, 31 E. 5th Street.

COMMENTS: Agenda for Executive Session will be posted at least 24 hours prior to such meeting.

6. Request approval of the Report of Claims Paid to be Filed for Audit for the week(s) of March 6, 13 & 20, 2004.

COMMENTS: A copy of the detailed claims report may be obtained by contacting the City Clerk's Office.

7. Request by CVS Pharmacy for an Amended Final Subdivision Plat consisting of one lot located at 3303 South Rural Road.

COMMENTS: (Armstrong Development, property owner) #SBD-2004.19 for an Amended Final Subdivision Plat consisting of one (1) lot on 1.12 net acres.

DOCUMENT NAME: [20040401dsd2k06.pdf](#) PLANNED DEVELOPMENT (0406)

8. Request by Five Star Transmission for an Amended Final Subdivision Plat consisting of two lots located at 2070 East Apache Boulevard.

COMMENTS: (Shovelhead Inc., property owner) #SBD-2004.18 for an Amended Final Subdivision Plat consisting of two (2) lots on 1.5 net acres .

DOCUMENT NAME: [20040401dsd2k05.pdf](#) PLANNED DEVELOPMENT (0406)

9. Request by Drago Estates for a Final Subdivision Plat consisting of two lots located at 2058 East Wildermuth Avenue.

COMMENTS: (Home Sweet M.H.P., John Drago, property owner) #SBD-2004.17 for a amended Final Subdivision Plat consisting of two (2) lots on 0.67 net acres.

DOCUMENT NAME: [20040401dsht04.pdf](#) PLANNED DEVELOPMENT (0406)

10. Request by Wal-Mart Expansion for an Amended Final Subdivision Plat consisting of two lots located at 1380 West Elliot Road.

COMMENTS: (Wal-Mart Stores, property owner) #SBD-2004.21 for an Amended Final Subdivision Plat consisting of two (2) lots on 24.52 net acres.

DOCUMENT NAME: [20040401dsht07.pdf](#) **PLANNED DEVELOPMENT (0406)**

11. Request reappointment of Presiding Judge Louraine C. Arkfeld for a two-year term.

COMMENTS: Presiding Judge Louraine C. Arkfeld was first appointed Presiding Judge of the Tempe Municipal Court for a two-year term in May 1994. She was subsequently reappointed in 1996, 1998, 2000 and 2002. She is currently eligible for reappointment effective May 2004.

DOCUMENT NAME: [20040401cctb01.pdf](#) **POSITIONS AUTHORIZED (0302-01)**

12. Request approval of the updated City Council Rules of Procedure.

COMMENTS: Under Rule 5, "Order of Business," the proposed change will combine the introduction of an item with the first of two public hearings.

DOCUMENT NAME: [20040401clrkck01.pdf](#) **CITY COUNCIL (0101)**

13. Request approval to use State of Arizona contract AD040004-002 for the purchase of a Park Ranger truck from Courtesy Chevrolet.

COMMENTS: Total cost for this contract shall not exceed \$13,424.

DOCUMENT NAME: [20040401fsdl01.pdf](#) **PURCHASES (1004-01)**

14. Request approval to pay for services provided by Geotechnical and Environmental for Phase II Environmental Site Assessments for six properties to be acquired for the Light Rail Transit Project.

COMMENTS: Contract value shall not exceed \$77,969.

DOCUMENT NAME: [20040401fslg02.pdf](#) **PURCHASES (1004-01)**

15. DELETED

16. Request approval to use State of Arizona contract AD040004-002 for the purchase of a Water Utilities Department truck from Courtesy Chevrolet.

COMMENTS: Total cost for this contract shall not exceed \$20,756.

DOCUMENT NAME: [20040401fsdl05.pdf](#) **PURCHASES (1004-01)**

17. Request approval to use State of Arizona contract AD040004-001 for the purchase of a Fire Department Chevrolet Astro style van from Midway Chevrolet.

COMMENTS: Total cost for this contract shall not exceed \$19,050.

DOCUMENT NAME: [20040401fsdl07.pdf](#) **PURCHASES (1004-01)**

18. Request approval to increase the amount of the construction contract with Archon, Inc. by \$50,000 for the 13th Street Waterline Replacement Project.

COMMENTS: Increase is from \$190,000 to \$240,000.

DOCUMENT NAME: [20040401PWMG08.pdf](#) WATERMAIN UPGRADES
(0810-04) PROJECT NO. 3201211

19. Request approval of an amendment to the Schedule of Performance for Block 12 Development and Disposition Agreement.

DOCUMENT NAME: [20040401dsdnc01.pdf](#) COMM DEV/REDEVELOPMENT ADM
(0403-01)

20. Request approval to enter into a Collection Agreement with The National Recycling Coalition and Nike, Inc., to participate in the Nike Reuse-A-Shoe Program.

DOCUMENT NAME: [20040401crsw01.pdf](#) HUMAN SERVICES NEEDS (0608-01)

- *21. This is a public hearing for the **denial** of a Series 12 Restaurant Liquor License for My Taco, LLC, dba My Taco Mexican Food, 1813 E. Baseline Rd., #108.

COMMENTS: Antonio Torres Morales, Agent

DOCUMENT NAME: [20040401LIQ1.pdf](#) LIQ LIC (0210-02)

- *22. This is a public hearing for the approval of a Series 12 Restaurant Liquor License for Bwitched Three, Inc., dba Bison Witches Bar & Deli, 21 E. 6th Street, #146.

COMMENTS: Thomas R. Partridge, Agent

DOCUMENT NAME: [20040401LIQ2.pdf](#) LIQ LIC (0210-02)

- *23. This is a public hearing for the approval of a Series 10 Beer and Wine Store Liquor License for F & S Oil III, LLC, dba Baseline Chevron, 808 E. Baseline Rd.

COMMENTS: Ehab Francis, Agent

DOCUMENT NAME: [20040401LIQ3.pdf](#) LIQ LIC (0210-02)

- *24. This is a request from the applicant for a **continuance to April 29, 2004** of the public hearing for a Series 9 Liquor Store License for University Quick Mart Inc., dba University Quick Mart, 1835 E. University Drive, #1, 2 & 3.

COMMENTS: Jamal Lashin, Agent

DOCUMENT NAME: [20040401LIQ4.pdf](#) LIQ LIC (0210-02)

B. Award of Bids

25. Request to award a one-year contract with renewal options for the purchase of two (2) Chemical/Biological/Explosives Incident Response vehicles from Hackney Emergency Vehicles.

COMMENTS: Total cost for this contract shall not exceed \$380,711 during the initial contract period.

DOCUMENT NAME: [20040401fsdl06.pdf](#) **PURCHASES (1004-01)**

26. Request approval of a professional services contract with CMX, LLC, for construction management services for the Kyrene Reclamation Booster Station Improvements.

COMMENTS: Total cost for this contract shall not exceed \$56,000.

DOCUMENT NAME: [20040401PWTG09.pdf](#) **KYRENE RECLAMATION PLANT (8012-02) PROJECT NO. 3200051**

27. Request to award a construction contract to Valley Rain Construction Corporation in an amount not to exceed \$1,612,700 (Base Bid plus Alternate Nos. 2, 4, 5, 7 and 8); and to approve the following: a professional services contract for construction management with Abacus Project Management in an amount not to exceed \$35,000; a materials testing contingency with Western Technologies in the amount of \$17,000; an addendum to a professional services contract for construction phase design services with Olsson Associates the amount of \$25,000; and a change order contingency in the amount of \$100,000.00 for the Tempe Sports Complex – Phase II.

DOCUMENT NAME: [20040401PWMG01.pdf](#) **PARKS ADMINISTRATION (0706-01) PROJECT NO. 906320D**

28. Request to award a construction contract to Archon, Inc., in an amount not to exceed \$637,000.00 (Base Bid only), and to approve: a construction management contract with Abacus Project Management in an amount not to exceed \$40,000.00, an encumbrance for materials testing with Western Technologies in the amount of \$15,000, and a construction change order contingency in the amount of \$70,000 for the Tempe Sports Complex Skate Park.

DOCUMENT NAME: [20040401PWMG02.pdf](#) **PARKS ADMINISTRATION (0706-01) PROJECT NO. 6300321**

29. Request to award a contract with Off Madison Ave. to produce and edit a 30-second television commercial for the City's Transit program.

COMMENTS: Total cost for this contract shall not exceed \$35,000.

DOCUMENT NAME: [20040401fslg04.pdf](#) **PURCHASES (1004-01)**

C. Ordinances and Items for Introduction

30. Set public hearings for **April 15 and April 29, 2004** to amend Chapter 12, Article IV of the Tempe City Code relating to Storm Water Retention and to amend Chapter 12, Article VI, relating to Storm Water Pollution Control.

DOCUMENT NAME: [20040401cacc01.pdf](#) **TCC CH 12 – DRAINAGE & FLOOD CONTROL (0503-12) Ordinance No. 2004.13**

31. Set public hearings for **April 15 and April 29, 2004** to amend Section 19-50 in Chapter 19 of the Tempe City Code relating to Motor Vehicles and Traffic (Hauling Waste Fill or

Waste Excavation Material).

DOCUMENT NAME: [20040401cacc02.pdf](#) **TCC CH 19 – MOTOR VEHICLES & TRAFFIC (0503-19)** Ordinance No. 2004.14

32. Set public hearings for **April 15 and April 29, 2004** to amend Chapter 33, Article V of the Tempe City Code relating to Cross Connection Control.

DOCUMENT NAME: [20040401cacc03.pdf](#) **TCC CH 33 – WATER (0503-33)** Ordinance No. 2004.15

33. Set public hearings for **April 15 and April 29, 2004** for Curry Commercial Plaza for a zoning change and a site plan located at 914 North Scottsdale Road.

COMMENTS: (Thompson, P. / Sandra Rose, property owner, Triyar Capital, LLC, Developer), including the following: **#ZON-2004.02 Ordinance 808.2004.02** for a zoning change from I-2, General Industrial to C-1, Neighborhood Commercial on 0.77 gross acres; **#SIP-2004.13** for a Site Plan consisting of two buildings totaling 5,760 square feet (Building "B", 1,200 s.f. for banking services and Building "A", 4,560 s.f. for a restaurant and retail space) on 0.77 net acres.

DOCUMENT NAME: [20040401dsht03.pdf](#) **PLANNED DEVELOPMENT (0406)**

- D. Ordinances and Items for First Hearing – These items will have two public hearings before final Council action.

- *34. This is the **first** public hearing to abandon a waterline easement at 2110 West Ikea Way.

DOCUMENT NAME: [20040401PWMG03.pdf](#) **EASEMENT ABANDONMENT (0901)** ORDINANCE NO. 2004.10

- *35. This is the **first** public hearing to abandon two easements located at the ASU Foundation project area, 703 North College Avenue.

DOCUMENT NAME: [20040401PWMG04.pdf](#) **EASEMENT ABANDONMENT (0901)** ORDINANCE NO. 2004.11

- *36. This is the **first** public hearing to abandon an easement for ingress/egress located within the proposed Playa del Norte, North Miller Road extension project area.

DOCUMENT NAME: [20040401PWMG05.pdf](#) **EASEMENT ABANDONMENT (0901)** ORDINANCE NO. 2004.12

- E. Ordinances and Items for Second Hearing/Final Adoption

- *37. This is the **second** public hearing to amend Chapter 23, Article III, relating to Park Rules.

COMMENTS: Amending Section 23-40 and repealing Section 23-48, and to amend Chapter 23, Article V, relating to Preserves, by amending Sections 23-110 and 23-111.

DOCUMENT NAME: [20040401cacc04.pdf](#) TCC CH 23 - PARK & RECREATION (0502-23) Ordinance No. 2004.09

- *38. This is the **second** public hearing for a use permit for Desert Massage, Inc., located at 315 West Elliot Road.

COMMENTS: (K & E Partners, LLC, property owner, Jonathan Brovitz, business owner) #SGF-2004.10 for a use permit, including the following:

Use Permit:

Allow a 3,000 square foot massage therapy clinic in the PCC-1 Zoning District.

DOCUMENT NAME: [20040401dsht01.pdf](#) PLANNED DEVELOPMENT (0406)

- *39. This is the **second** public hearing for an Amended General and Final Plan of Development for Price Club Plaza I, for Costco Home located at 1345 West Elliot Road.

COMMENTS: (Centrepont Associates, property owner, Mulvanny G2 Architecture, applicant) #SGF-2004.12 for an Amended General Plan of Development for Price Club Plaza I, consisting of 442,815 s.f. on 39.62 net acres, and a Final Plan of Development for Costco Home consisting of 103,963 square feet on 7.45 net acres, in the PCC-2 Zoning District.

DOCUMENT NAME: [20040401dsd2k02.pdf](#) PLANNED DEVELOPMENT 0406)

F. Resolutions

40. Request approval of a Resolution amending the City of Tempe Mediflex Plan.

COMMENTS: Article II.9(1) and (2) of the City of Tempe Mediflex Plan is amended to reflect recent rulings of the Internal Revenue Service relating to the reimbursement of over-the-counter medications.

DOCUMENT NAME: [20040401hrds01.pdf](#) MEDIFLEX (0303-02-02) RESOLUTION NO. 2004.10

41. Request approval of a Resolution authorizing application to the Arizona State Parks Board for a Heritage Fund Grant for a building conditions assessment report of the historic 1918 Hayden Flour Mill and silos.

DOCUMENT NAME: [20040401dsjn01.pdf](#) HISTORIC PRESERVATION STUDIES (0112-02) RESOLUTION NO. 2004.18

42. DELETED

43. DELETED

44. Request approval of a Resolution ordering the sale of \$19,900,000 of City of Tempe General Obligation Bonds, Series 2004, and approving related documents.

DOCUMENT NAME: [20040401fsjh01.pdf](#) BOND SERVICE ADMINISTRATION
(0203-01) RESOLUTION NO. 2004.21.

6. NON-CONSENT AGENDA

Public hearing items on the non-consent agenda are designated by an asterisk (*).

7. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS

8. PUBLIC APPEARANCES

According to the Arizona Open Meeting Law, the City Council may only discuss matters listed on the City Council agenda. Matters brought up by the public under public appearances that are not agendaized can not be discussed by the City Council. There is a five-minute limit per citizen. Speaker's visual aids or recorded audio tapes will not be allowed during formal meetings. Citizens attending Council meetings should refrain from making personal, impertinent and slanderous remarks or becoming boisterous while addressing the Council or while attending the Council meeting. Unauthorized remarks from the audience, stomping of feet, yelling and similar demonstrations are also not permitted. Violations of these rules may result in removal from the City Council meeting.